

Message Text

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17

ORIGIN ARA-20

INFO OCT-01 ISO-00 L-03 COA-02 H-03 TRSE-00 COME-00 AID-20

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L/ARA:DGANTZ (DRAFT)

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S/FW:LTCMDR LEROY (INFO)

H:WRICHARDSON (INFO)

AA/LA:HKLEINE

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R 1,2329Z JUL 74

FM SECSTATE WASHDC

TO AMEMBASSY PANAMA

UNCLAS STATE 151482

E.O. 11652: N/A

TAGS: PFOR, PN

SUBJECT: RAFFAELLO SEIZURE

1. PURSUANT TO SECTION 3 OF THE FISHERMEN'S PROTECTIVE ACT OF 1967, AS AMENDED, (FPA) THE OWNERS OF THE RAFFAELLO HAVE BEEN REIMBURSED BY THE SECRETARY OF THE TREASURY IN THE AMOUNT OF THE DOLLARS 57,200 FINE. SECTION 5(A)(1) OF THE FPA PROVIDES THAT QUOTE THE SECRETARY OF STATE SHALL IMMEDIATELY NOTIFY A FOREIGN COUNTRY OF -- ANY REIMBURSEMENT MADE BY THE SECRETARY OF THE TREASURY UNDER SECTION 3. END QUOTE. ACCORDINGLY, AT THE EARLIEST OPPORTUNITY YOU SHOULD INFORM THE GOP THAT THE SECRETARY OF THE TREASURY HAS MADE THE REIMBURSEMENT.

2. YOU MAY ALSO WISH TO INFORM GOP THAT OWNERS OF RAFFAELLO HAVE FILED FOR PAYMENTS FROM THE SECRETARY OF COMMERCE FOR OTHER LOSSES AS PROVIDED BY SECTION 7 OF THE FPA. IF ANY PAYMENT IS MADE BY COMMERCE, GOP WILL HAVE UNCLASSIFIED

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TO BE FURTHER NOTIFIED OF SUCH PAYMENT AS REQUIRED BY
SECTION 5 (A) (1) (B). WHEN THIS HAPPENS, DEPT. WILL SO
INFORM THE EMBASSY.

3. AT THE SAME TIME, YOU SHOULD ALSO INFORM THE GOP
THAT SECTION 5(B) OF THE ACT PROVIDES THAT IF THE COUNTRY
MAKING THE SEIZURE FAILS TO REPAY THE USG WITHIN 120 DAYS
AFTER THE NOTICE OF SUCH CLAIM, THE SECRETARY OF STATE

MUST TRANSFER AN AMOUNT EQUAL TO SUCH UNPAID CLAIM, I.E.
DOLLARS 57,200, FROM ANY FUNDS APPROPRIATED BY CONGRESS
AND PROGRAMMED FOR ASSISTANCE TO SUCH COUNTRY UNDER
THE FOREIGN ASSISTANCE ACT. HOWEVER, SECTION 5(B)
ALSO ALLOWS FOR A DETERMINATION AND CERTIFICATION TO BE
MADE TO CONGRESS THAT IT IS IN THE NATIONAL INTEREST
NOT TO MAKE SUCH A TRANSFER OF FUNDS. YOU SHOULD INFORM
THE GOP THAT SUCH A DETERMINATION AND CERTIFICATION WAS
MADE BY THE ACTING SECRETARY ON JULY 5, 1974.

4. COPIES OF THE WAIVER DOCUMENTATION FOLLOW BY POUCH.
REQUEST REPORT OF NOTIFICATION. KISSINGER

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** UNCLASSIFIED

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